

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2262) TO MODIFY THE REQUIREMENTS APPLICABLE TO LOCATABLE MINERALS ON PUBLIC DOMAIN LANDS, CONSISTENT WITH THE PRINCIPLES OF SELF-INITIATION OF MINING CLAIMS, AND FOR OTHER PURPOSES

OCTOBER 30, 2007.—Referred to the House Calendar and ordered to be printed

Mr. MCGOVERN, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 780]

The Committee on Rules, having had under consideration House Resolution 780, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2262, the Hardrock Mining and Reclamation Act of 2007, under a structured rule. The rule provides one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The rule makes in order only those amendments printed in this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recom-

mit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) includes a waiver of clause 4(a) of rule XIII, requiring a three-day layover of the committee report and a waiver of Section 303(a) of the Congressional Budget Act, prohibiting consideration of legislation providing new budget authority, change in revenues, change in public debt, new entitlement authority, or new credit authority for a fiscal year until the budget resolution for that year has been agreed to. Although the rule waives all points of order against the committee amendment in the nature of a substitute (except clause 10 of rule XXI), the Committee is not aware of any points of order against provisions of the bill. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 371

Date: October 30, 2007.

Measure: H.R. 2262.

Motion by: Mr. Diaz-Balart.

Summary of motion: To grant an open rule.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 372

Date: October 30, 2007.

Measure: H.R. 2262.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Gohmert (TX), #1, which would establish that the term of a mine operations permit would be “the period necessary to accomplish the proposed mineral activities subject to the permit” or “20 years”; whichever period is greater.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay;

Rules Committee record vote No. 373

Date: October 30, 2007.

Measure: H.R. 2262.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Pearce (NM), #4, which states

that the Act shall expire if and when the United States does not have the number one gross domestic product in the world.

Results: Defeated 4–7.

Vote by Members:

McGovern—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 374

Date: October 30, 2007.

Measure: H.R. 2262.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Heller (NV), #9, which would change the royalty payment structure from a gross income royalty to a net proceeds royalty.

Results: Defeated 4–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay;

Rules Committee record vote No. 375

Date: October 30, 2007.

Measure: H.R. 2262.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Sali (ID), #22, which allocates 20% of the Locatable Minerals Fund toward a Fighting Global Warming and National Carbon Footprint Reduction Account, which would provide incentives for and encourage the domestic production of minerals essential to fighting global warming and reducing the national carbon footprint, such as minerals used for solar energy production and fuel cell construction.

Results: Defeated 4–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Rahall (WV): The amendment would clarify that “valid existing rights” associated with existing mining claims would be protected under the Act. It would clarify that in addition to paying a 4% royalty, existing operations will still need to come into compliance with the Act within 10 years. It would clarify that the claim maintenance and location fees currently allotted to administration of the mining laws will continue to be so allotted with the balance going to clean-up of abandoned hardrock mines, subject to appropriations. It would clarify that user fees assessed by the BLM to process mining permit applications will be used for administration of the mining law program. It would limit the purview of section 504—citizen suits—to permits issued pursuant to title III of the Act.

Finally, it would clarify that nothing under the Act will affect the sovereign immunity of any Indian Tribe. (10 minutes)

2. Pearce (NM): This amendment would strike the definition of “undue degradation” in the legislation. (10 minutes)

3. Matsui (CA): The amendment states that river watershed areas may be considered as eligible and as priorities to receive funding from the Abandoned Locatable Minerals Mine Reclamation Fund. (10 minutes)

4. Heller (NV): The amendment would redirect 50 percent of the funds deposited into the Hardrock Reclamation Fund to states in proportion to the royalty funds generated there. (10 minutes)

5. Sali (ID): Strikes section 101—Limitation on Patents. (10 minutes)

6. Cannon (UT): This amendment would strike section 517—Mineral materials. (10 minutes)

7. Pearce (NM): This amendment would establish the Mineral Commodity Information Administration into a role in the Department of Interior. This administration would have the Minerals Information Team (MIT) to collect, analyze, and disseminate information on the domestic and international supply of, and demand for, minerals and mineral materials critical to the U.S economy and national security. This amendment will remove the MIT from under the U.S. Geological Survey and establish it as a stand-alone agency within the Department of the Interior. The amendment increases MIT’s staff in order to perform the new and expanded functions authorized in the amendment. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RAHALL OF WEST VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Amend section 2(b) to read as follows:

(b) VALID EXISTING RIGHTS.—As used in this Act, the term “valid existing rights” means a mining claim or millsite claim located on lands described in section 201(b), that—

(1) was properly located and maintained under the general mining laws prior to the date of enactment of this Act;

(2) was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this Act, or satisfied the limitations under existing law for millsite claims; and

(3) continues to be valid under this Act.

In section 3(c)(1), strike the matter preceding subparagraph (A) and insert “Any Federal land shall be subject to the requirements of section 102(a)(2) if the land is—”.

In section 3(c)(2), strike “section 102” and insert “section 102(a)(3)”.

Amend section 102(a)(3) to read as follows:

(3) FEDERAL LAND ADDED TO EXISTING OPERATIONS PERMIT.—

Any Federal land added through a plan modification to an operations permit that is submitted after the date of enactment of this Act shall be subject to the royalty that applies to Federal land under paragraph (1).

Strike section 102(a)(4) (and redesignate the subsequent paragraph accordingly).

Amend section 103(a)(4) to read as follows:

(4) Moneys received under this subsection that are not otherwise allocated for the administration of the mining laws by the Department of the Interior shall be deposited in the Locatable Minerals Fund established by this Act.

In section 202(a), strike “Any State” and insert “Subject to valid existing rights, any State”.

In section 202(b)(3), after “petition” insert “subject to valid existing rights,”.

In section 303(g)(4), strike “All moneys” and all that follows through the end of the sentence.

In section 304(h)(4), strike “All moneys” and all that follows through the end of the sentence.

In section 309, strike “the National Park System” and insert “a National Park”.

In section 309, strike “including its scenic assets, its water resources, its air quality, and its acoustic qualities, or other changes” and insert “including wildlife, scenic assets, water resources, air quality, and acoustic qualities, or other changes”.

Amend section 402(2) to read as follows:

(2) All fees received under section 304(a)(1)(B).

Amend section 402(6) to read as follows:

(6) All amounts received by the United States pursuant to section 103 as claim maintenance and location fees minus the moneys allocated for administration of the mining laws by the Department of the Interior.

In section 504(a)(1), strike “alleged” and insert “alleged”.

In section 504(a)(1), strike “pursuant to this Act” and insert “pursuant to title III of this Act”.

In section 504(a)(1), strike “under this Act” and insert “under title III of this Act”.

Amend section 511 to read as follows (and conform the table of contents in section 1(b)):

SEC. 511. OIL SHALE CLAIMS.

Section 2511(f) of the Energy Policy Act of 1992 (Public Law 102–486) is amended as follows:

(1) By striking “as prescribed by the Secretary”.

(2) By inserting before the period the following: “in the same manner as required by title II and title III of the Hardrock Mining and Reclamation Act of 2007”.

At the end of section 513, add the following:

(d) SOVEREIGN IMMUNITY OF INDIAN TRIBES.—Nothing in this section shall be construed so as to waive the sovereign immunity of any Indian tribe.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PEARCE OF NEW MEXICO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 2(a), strike paragraph (19).

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MATSUI OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 411—

- (1) in subsection (a)(2), before the period insert “, including in river watershed areas”; and
- (2) in subsection (b)(3), before the period insert “, which may include restoration activities in river watershed areas”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HELLER OF NEVADA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 411(b), amend the matter preceding paragraph (1) to read as follows:

(b) ALLOCATION.—Of the amounts deposited into the Hardrock Reclamation Account, 50 percent shall be allocated by the Secretary among the States within the boundaries of which occurs production of locatable minerals from mining claims located under the general mining laws and maintained in compliance with this Act, or mineral concentrates or products derived from locatable minerals from mining claims located under the general mining laws and maintained in compliance with this Act, as the case may be, in proportion to the amount of such production in each such State. Expenditures of the remainder of such amounts shall reflect the following priorities in the order stated:

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SALI OF IDAHO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 101.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CANNON OF UTAH, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 517.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PEARCE OF NEW MEXICO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**TITLE XX—MINERAL COMMODITY INFORMATION
ADMINISTRATION**

SEC. 01. SHORT TITLE.

This title may be cited as “Resources Origin and Commodity Knowledge Act”.

SEC. 02. FINDINGS, PURPOSE, AND POLICY.

(a) FINDINGS.—The Congress finds the following:

- (1) Mineral commodities are essential to the United States economy.
- (2) The United States is the world’s leading user of mineral commodities.
- (3) Mineral commodities processed domestically accounted for \$478,000,000,000 in the United States economy in 2005.
- (4) The value of imports of raw and processed mineral commodities totaled \$103,000,000,000 in 2005.

(5) The Board of Governors of the Federal Reserve uses mineral commodity information data and reports to calculate the indexes of industrial production, capacity, and capacity utilization, which are among the most widely followed monthly indicators of the United States economy.

(6) Manufacturers and consumers of mineral commodities in the United States depended on foreign countries for 100 percent of 16 mineral commodities and for more than 50 percent of 42 mineral commodities that are critical to the United States economy.

(7) The Department of Defense requires mineral commodity information on strategic minerals to manage the National Defense Stockpile.

(8) Mineral specialists assist the Department of State fulfill United States obligations under the Clean Diamond Trade Act (19 U.S.C. 3901 et seq.) and as a signatory to the Kimberly Process Certification Scheme, which is a multinational effort to stop the flow of conflict diamonds.

(9) New and innovative uses of minerals are vital to maintaining the high quality of both the natural environment and human environment in the United States.

(10) Knowledge and understanding of mineral mining, processing, and usage, both domestically and internationally, is important for maintaining the national security and economic security of the United States.

(b) **PURPOSES.**—The purpose of this title is to create the Mineral Commodity Information Administration to ensure information vital to the United States economy, domestic security, and the high quality of life enjoyed by all residents of the United States continues to be provided to the many customers that rely upon the data.

(c) **POLICY.**—The Congress declares that—

(1) it is in the national interest to maintain and disseminate information on domestically produced mineral commodities, regardless of ownership of the reserves and resources involved; and

(2) it is in the national interest to maintain and disseminate information on international mineral commodities, reserves, and resources, international mineral industry activities, and international mineral commodity markets.

SEC. 3. ESTABLISHMENT OF MINERAL COMMODITY INFORMATION ADMINISTRATION.

(a) **ESTABLISHMENT.**—There is established the Mineral Commodity Information Administration, which shall be under the general direction and supervision of the Secretary of the Interior and shall not be affiliated with or be within any other agency or bureau of the Department of the Interior.

(b) **ADMINISTRATOR.**—The management of the Administration shall be vested in an Administrator, who shall be appointed by the President, with the advice and consent of the Senate, from among individuals who have outstanding qualifications with a broad background and substantial experience in the mineral industries and in the management of mineral resources.

(c) **OTHER OFFICIALS AND EMPLOYEES.**—

(1) IN GENERAL.—There shall be in the Administration an Associate Administrator and 4 Assistant Administrators who shall perform, in accordance with applicable law, such functions as the Administrator shall assign to them in accordance with this title. The functions the Administrator shall assign to the Assistant Administrators shall include the following functions:

(A) Commodity information and analysis, including development and maintenance of—

(i) historical and current mineral commodity information, including the degree of import dependence of the United States;

(ii) international mineral commodity, reserve, and resource information;

(iii) domestic mineral commodity, reserve, and resource information by State, county, and region;

(iv) material flow and recycling analysis, showing disposition in the United States of mined materials into stocks in use, waste, and residuals; and

(v) ongoing analysis of United States mineral commodity exports, and analysis of imports of mineral commodities and processed materials of mineral origin that are destined for consumption in the United States, categorized by the country of origin.

(B) Global mineral supply analysis for critical commodities of greatest long-term concern, including collecting and developing—

(i) location, reserve, resource, technology, and economic data for major discovered deposits;

(ii) engineering and cost, mini-feasibility studies on the most significant deposits; and

(iii) supply analyses combining the engineering and economic data on groups of deposits.

(C) Mineral materials technology assessment including tracking worldwide research, development, and utilization of advanced technologies that will permit discovery of new deposits, mining and processing of minerals from lower-grade deposits, and recovery of minerals from waste streams.

(D) Mineral industry analysis, including the continuing assessment and analysis of events, trends, and issues affecting the minerals sector of the domestic economy, including exploration spending and activity, mineral production trends, mineral stocks and inventories, merger and acquisitions activity, and labor and workforce trends.

(E) Data acquisition and analysis, including management of data collection, statistical analysis, analytical forecasting and modeling, and regular data quality assessments.

(F) Information systems and services, including information technology management, publications and production dissemination, and library services.

(G) External affairs, including congressional and legislative liaison, communications, and public affairs, and international and intergovernmental affairs.

(H) Budget, financial, and human resource management, including budget and financial management, human capital management, employee training, professional development, procurement and contract management, and small business support.

(2) TRANSFER OF EXISTING POSITIONS.—Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer to the Administrator the following positions:

(A) UNITED STATES GEOLOGICAL SURVEY.—From the United States Geological Survey, not less than 200 full-time equivalent positions, including all filled and unfilled commodity and country specialists within the United States Geological Survey Minerals Information Team immediately before the enactment of this Act.

(B) DEPARTMENT OF INTERIOR, GENERALLY.—From the Department of the Interior generally not less than 100 full-time equivalent positions of an administrative nature, including communications and public affairs specialists, congressional and legislative liaison specialists, human resources personnel, librarians, administrative assistants, information technology management specialists, publication service specialists, and budget analysts.

(3) SUBSEQUENT APPOINTMENTS.—The Administrator may appoint such employees as may be necessary to positions that are transferred under paragraph (2), but vacant on the date of the transfer of the positions. Such appointments shall be subject to the provisions of title 5, United States Code, governing appointments in the competitive service. Such positions shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) WRITTEN AND ELECTRONIC MATERIALS.—The Secretary of the Interior shall transfer to the Administrator all existing written and electronic materials under the control of the Department pertaining to mineral commodities and mineral resources, including mineral commodity time series data, library materials, maps, unpublished data files, and existing mineral commodity reports prepared or held by the United States Geological Survey and its predecessor agency, the Bureau of Mines.

SEC. 4. DUTIES OF THE ADMINISTRATOR.

(a) MINERAL COMMODITY DATA AND INFORMATION PROGRAM.—The Administrator shall carry out a central, comprehensive, and unified mineral commodity data and information program to collect, evaluate, assemble, analyze, and disseminate data and information regarding mineral resources and reserves, mineral commodity production, consumption, and technology, and related economic and statistical information, that is relevant to the adequacy of mineral resources to meet demands in the near term and longer term future for the Nation's economic and social needs.

(b) MINERAL COMMODITY DATA TIME SERIES.—

(1) IN GENERAL.—The Administrator shall continue to maintain all existing mineral commodity data time series maintained by the Department of the Interior immediately before the enactment of this Act, and shall develop such new mineral commodity data time series as the Administrator finds useful

and proper after consulting with other Federal and State agencies and the public.

(2) PUBLIC COMMENT.—The Administrator shall—

(A) provide for public review and comment regarding all mineral commodity data time series maintained by the Department of the Interior immediately before the enactment of this Act, by not later than 15 years after such date of enactment; and

(B) seek public comments on a continuing basis on the adequacy and accuracy of any time series added after the date of the enactment of this Act, not later than 5 years after the inception of such new series.

(c) PROJECTIONS OF SUPPLY AND USAGE PATTERNS.—

(1) IN GENERAL.—The Administrator shall—

(A) not later than 3 years after the date of the enactment of this Act, prepare and make available to the public an analysis of projected mineral commodity supply and usage patterns by the United States at 10, 25, and 50 year intervals following such date of enactment; and

(B) update such analysis and make it publicly available every 5 years thereafter.

(2) CONSIDERATIONS.—In preparing such analyses, the Administrator shall take into consideration—

(A) market trends;

(B) geopolitical considerations; and

(C) the reasonably foreseeable advances in basic industries, high technology, material sciences, and energy usage.

(d) ANNUAL REPORT.—The Administrator shall annually publish and submit to the Congress a report on the state of the domestic mining, minerals, and mineral reclamation industries, including a statement of the trend in utilization and depletion of the domestic supplies of mineral commodities.

(e) MINERAL COMMODITY REPORTS.—The Administrator—

(1) shall continue to prepare and distribute all series of mineral commodity reports prepared and published by the Bureau of Mines and the United States Geological Survey as of the date of the enactment of this Act, including—

(A) all volumes of the Minerals Yearbook;

(B) Mineral Commodity Summaries;

(C) Mineral Industry Surveys;

(D) Metal Industry Indicators;

(E) Nonmetallic Mineral Product Industry Indexes;

(F) minerals supply analyses for selected commodities;

(G) material flow studies and recycling reports; and

(H) Historical Statistics for Mineral and Material Commodities;

(2) may develop, prepare, and publish additional reports related to mineral commodities as the Administrator considers appropriate.

(f) ANALYSIS WITH RESPECT TO SUSTAINING ENERGY USAGE.—

(1) IN GENERAL.—The Administrator of the Mineral Commodity Information Administration shall, in 2007 and each year thereafter, following the issuance of the Annual Energy Outlook analysis prepared by the Administrator of the Energy Information Administration, prepare and publish an analysis

of the foreign and domestic mineral commodities that will be required by the United States to sustain the energy supply, demand, and prices projected by such Annual Energy Outlook analysis.

(2) **JOINT AGREEMENT.**—The Administrator of the Energy Information Agency and the Administrator of the Mineral Commodity Information Administration may, at their sole discretion, enter into a joint agreement for preparation of a unified analysis to meet the requirements of this paragraph.

(g) **OTHER APPROVAL NOT REQUIRED.**—The Administrator—

(1) shall not be required to obtain the approval of any other officer or employee of the United States in connection with the collection or analysis of any information; and

(2) shall not be required, prior to publication, to obtain the approval of any other officer or employee of the United States with respect to the substance of any analytical studies, statistical, or forecasting technical reports that the Administrator has prepared in accordance with law.

SEC. 05. EXCEPTIONS TO INFORMATION AVAILABILITY.

(a) **IN GENERAL.**—Notwithstanding section 552 of title 5, United States Code, and except as provided in subsection (b), data and information provided to the Administrator by persons or firms engaged in any phase of mineral or mineral-material production or large-scale consumption shall not be disclosed outside of the Administration in a nonaggregated form in such a manner as may disclose data and information supplied by an individual or other person, unless such person authorizes such disclosure after the person is provided notice and an opportunity to object.

(b) **DISCLOSURE TO FEDERAL DEFENSE OR HOMELAND SECURITY AGENCIES.**—The Administrator may disclose nonaggregated data and information to any agency of the Department of Homeland Security or the Department of Defense, upon written request by the head of the agency for appropriate purposes.

SEC. 06. ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish an advisory committee to be known as the Mineral Commodity Advisory Committee.

(b) **FUNCTIONS.**—The Advisory Committee—

(1) shall respond to all questions referred to it by the Administrator regarding any matter related to the activities authorized by this title;

(2) shall undertake such studies and inquiries as are necessary to provide answers, advice, and recommendations on matters referred to it by the Administrator; and

(3) in carrying out such studies, may seek information from individuals, business enterprises, colleges, universities, and any State or Federal agency.

(c) **PARTICIPATION IN REVIEWS OF MATERIALS.**—The Administrator shall invite the Advisory Committee to participate in any public review of materials prepared pursuant to section 04.

(d) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Advisory Committee—

- (A) shall consist of 15 individuals appointed in accordance with paragraph (2); and
 - (B) shall include—
 - (i) one representative from each of a mineral exploration company, a metallic mineral producer, an industrial mineral producer, and an aggregate producer;
 - (ii) one representative from each of the State geologists, mining labor organizations, and the mining finance industry;
 - (iii) two representatives from small businesses;
 - (iv) three representatives from manufacturing industries; and
 - (v) three purchasing professionals.
 - (2) APPOINTMENT.—The Administrator shall appoint the members of the Advisory Committee from among individuals who—
 - (A) are not officers or employees of the Federal Government; and
 - (B) are United States citizens.
 - (3) TERM.—Each member of the Advisory Committee shall be appointed to serve a term of 4 years.
 - (e) ORGANIZATION AND MEETINGS.—The Advisory Committee—
 - (1) shall select a Chairman and Vice-Chairman from among its members;
 - (2) shall organize itself into such subcommittees as the members determine to be necessary; and
 - (3) shall meet not less than 2 times each year.
 - (f) COMPENSATION AND EXPENSES.—Subject to the availability of appropriations, each member of the Advisory Committee—
 - (1) shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Advisory Committee; and
 - (2) shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Committee.
 - (g) SUPPORT AND RECORDS MAINTENANCE.—The Administrator—
 - (1) shall provide administrative and technical support for the Advisory Committee; and
 - (2) shall maintain the records of the Advisory Committee.
 - (h) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee only to the extent that the provisions of such Act do not conflict with the requirements of this section.
- SEC. 07. DEFINITIONS.**
- In this title:
- (1) ADMINISTRATION.—The term “Administration” means the Mineral Commodity Information Administration established by this title.
 - (2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Administration.

(3) ADVISORY COMMITTEE.—The term “Advisory Committee” means the Mineral Commodity Advisory Committee established by this title.

SEC. 08. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator to carry out this title \$30,000,000 for each of the fiscal years through 2008 through 2018.

